

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

No. 16-56057; 16-56287

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SKIDMORE ET AL.

*Michael Skidmore, Trustee for the  
Randy Craig Wolfe Trust  
Plaintiff-Appellant/Cross Appellee*  
v.

LED ZEPPELIN *ET AL.*

*Defendants-Appellees*

and

WARNER/CHAPPELL MUSIC, INC.

*Defendant, Cross Appellant*

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APPELLANT SKIDMORE'S MOTION TO RESPOND TO AMICUS BRIEFS OF THE  
U.S. GOVERNMENT, THE 123 SONGWRITERS, AND THE NMPA/RIAA

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(Music copyright infringement, on appeal from the final Order dated June 23, 2016  
of the Honorable R. Gary Klausner, of the United States District Court for the  
Central District of California. The case was docketed in the Central District at 15-  
cv-03462)

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Plaintiff Michael Skidmore (Appellant and Cross-Appellee), as Trustee for the Randy Craig Wolfe Trust (“Skidmore” or “Plaintiff”), respectfully seeks leave of Court for permission to respond to the amicus briefs filed by the U.S. Government, the 123 Songwriters, and the NMPA/RIAA.

The brief submitted by the US Government misconstrues the law on the deposit copy issue, and raises several new points to which Skidmore needs to respond. Furthermore, the Government’s position on thin copyright, and its application to this case, also requires rebuttal. Lastly, because the US Government submitted the brief, it is sure to receive extra attention making it critical that Skidmore have a response on the record to the many incorrect assertions of fact and law made in the brief.

Appellant also requests permission to respond to the briefs from the 123 Songwriters and the NMPA and RIAA. Appellant’s responses will be the same in substance to the prior oppositions Skidmore filed when these amici first moved to submit briefs. Skidmore wants to make it clear that the amici briefs are in fact opposed by Skidmore and contain significant errors the court should be aware of.

Appellant Skidmore requests that his responses be due by August 30, 2019, which will not delay the hearing schedule and give the court and parties sufficient time to consider the briefs.

Counsel for Appellees have stated that they do not oppose this motion, but

believe that Appellant should only be allowed to file a single combined brief in response to all three briefs. Appellant respectfully suggests that he be permitted to file a separate response to the Government's brief given its author, and a combined response to the 123 Songwriters and the NMPA/RIAA. However, Appellant leaves the form of response to the Court's discretion.

WHEREFORE, Appellant Michael Skidmore respectfully requests permission to respond to the US Government's amicus brief, the 123 Songwriter's brief, and the NMPA/ RIAA brief.

*Respectfully submitted,*

/s/ Francis Malofiy

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August 16, 2019

## CERTIFICATE OF FILING AND SERVICE

Counsel was served via CM/ECF which constitutes service, pursuant to  
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